

**SS47. Misbranding of Dr. Burkhardt's Vegetable Compound. U. S. \* \* \* v. 116 Packages and 110 Packages of Dr. Burkhardt's Vegetable Compound. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 13120, 13121. I. S. Nos. 10178-t, 10179-t, 10180-t, 10181-t. S. Nos. W-637, W-639.)

On August 10, 1920, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 116 packages and 110 packages of Dr. Burkhardt's Vegetable Compound, remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about July 11, 1918, July 26, 1919, February 24, 1920, June 1, 1920, and June 23, 1920, by Dr. W. S. Burkhardt, Cincinnati, Ohio, and transported from the State of Ohio into the State of Colorado, and charging misbranding under the Food and Drugs Act, as amended. The article was labeled in part, "Dr. Burkhardt's Vegetable Compound Recommended for Kidney and Liver Disease, Fever and Ague, Rheumatism, Sick and Nervous Headache, Erysipelas, Scrofula, Female Complaints, Catarrh, Indigestion, Neuralgia, Nervous Affection, Dyspepsia, Constipation and all Syphilitic Diseases."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted of pills composed essentially of aloes, plant extractives, resins (probably from podophyllum), and capsicum.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements, borne on the package, were false and fraudulent as to the curative and therapeutic effects of the article, said statements being false and fraudulent in that the said drugs contained no ingredient or combination of ingredients capable of producing the effects claimed, and that said drugs were not a remedy for, and had no curative or beneficial effects whatsoever upon, any of the diseases mentioned.

On October 8, 1920, no claimant having appeared for the property, a default decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**SS48. Misbranding of Wendell's Ambition Brand Pills. U. S. \* \* \* v. 56 Packages, 24 Packages, and 48 Packages of Wendell's Ambition Brand Pills. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 13463, 13464, 13693. Inv. Nos. 20624, 18472, 23909. S. Nos. C-2463, C-2464, C-2508.)

On or about September 9, and September 16, 1920, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 56 packages, 24 packages, and 48 packages of Wendell's Ambition Brand Pills, at Chicago, Ill., alleging that the article had been shipped by the Wendell Pharmacal Co., Inc., Syracuse, N. Y., April 14, May 8, and August 18, 1920, respectively, and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of alkaloids of nux vomica, quinine, and aloin.

It was alleged in substance in the libels that the article was misbranded in that certain statements, regarding the curative or therapeutic effect thereof,